

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

L.E., by his next friends)	
and parents, SHELLEY)	
ESQUIVEL and MARIO ESQUIVEL)	
)	
Plaintiff)	
)	
vs.)	No. 3:21-cv-00835
)	
BILL LEE, in his official)	
capacity as Governor of the)	
Tennessee, et al.)	
)	
Defendants)	

VIDEOTAPED
DEPOSITION
OF
SHELLEY ESQUIVEL
August 1, 2022

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Ms. Esquivel to Mr. Bartlett

1 A Nothing (indicating).

2 Q Okay. If I ask you a question that you
3 do not understand, will you please let me know?

4 A Yes.

5 Q Okay. You sat through L.E.'s deposition
6 this morning; is that correct?

7 A Yes.

8 Q Okay. And did everything that L.E. said
9 appear to be true and accurate to the best of your
10 knowledge?

11 MS. NOWLIN-SOHL: Object to form.

12 A There were some areas where he was a
13 little confused so -- but for the most part, yeah, based
14 -- he did the best to his ability to remember dates and
15 things like that.

16 Q Okay. Looking at the complaint -- have
17 you seen the complaint before?

18 A Yes, I have.

19 Q Okay. Page 23, the first paragraph,
20 Paragraph 76 -- I guess actually I should go to the page
21 before, Page 22, Paragraph 75. So L.E.'s original birth
22 certificate states the sex a female; is that correct?

23 A Yes, that's correct.

24 Q Okay. Now going to the next page,
25 Paragraph 76 states, in 2019 -- I'm going to go ahead and

1 say L.E. for the purposes of being consistent for this
2 deposition. So it says L, but we all know that's
3 referencing L.E.; is that correct? L.E.?

4 A Yes.

5 Q Okay. Told you that he was a boy. Tell
6 me about when L.E. told you that he was a boy.

7 A So it's been a process. L.E. has always
8 preferred what you would call boys' clothes and doing what
9 you would say are boys' activities, and around -- in 2019,
10 he really started telling me that -- things like, "I wish
11 that I was born a boy. I wish I wasn't a girl."

12 And so it was towards the end of 2019, he
13 wanted to get his hair cut. He had had long,
14 shoulder-length hair, and he wanted to get a haircut so
15 that he resembled a stereotypical boy, I guess, even
16 though some boys do have long hair. So it was just a
17 matter of him, I guess, working through his feelings and
18 telling us that he feels like he's a boy.

19 Q Prior to that conversation, had you
20 called L.E. L.E. before that time?

21 MS. NOWLIN-SOHL: Object to form.

22 A No.

23 Q Okay. And when -- I apologize because I
24 think you have answered this, but I want to make sure.
25 When in 2019 did the first discussion occur?

1 MS. NOWLIN-SOHL: Object to form.

2 A I would say it was -- it was towards the
3 end of 2019, so, like, in the fall, during the fall
4 semester of school.

5 Q Do you recall what grade L.E. would have
6 been in?

7 A Let's see. He -- if it was in 2019 in
8 the fall, seventh grade. Twenty...

9 Q And so what was your response at that
10 time?

11 A Well, I personally was not very surprised
12 because, like I said, he'd always gravitated towards boys'
13 clothes and wanting to do things with other boys, and my
14 response was that we needed to talk to the family
15 pediatrician and see kind of what the next steps are, what
16 would be appropriate for L.E.

17 Q At that time on or around the fall of
18 2019, did you have any affiliation with transgender
19 persons, alliances, or support groups?

20 MS. NOWLIN-SOHL: Object to form.

21 A No.

22 Q Okay. Did you know any transgender
23 persons at that time?

24 A Yes.

25 Q Okay. And were the transgender persons

1 you knew a resource for you when you were deciding the
2 proper response to L.E.?

3 A She was more of an acquaintance of ours,
4 so I don't -- I don't believe that we ever really talked
5 about L.E. transitioning.

6 Q And so did you take L.E. to the
7 pediatrician on or around that time?

8 A Yes, early on in 2020.

9 Q What was the pediatrician's advice?

10 A She -- so I did research on my own, and I
11 knew that there was such a thing as puberty blockers, and
12 so in my discussion with her, I mentioned that being a way
13 to kind of pause things, you know, pause puberty while
14 L.E., you know, figures things out with his gender, and
15 she at the time did not know that there were doctors in
16 our area who would provide that treatment to children
17 under 18.

18 So she had more of a kind of wait-and-see
19 approach, meaning wait to see if this is a phase or if
20 it's not, and then to proceed with hormone treatment or
21 whatever the next step was after the age of 18. She has
22 since apologized because she was very much so uninformed
23 that care is indeed being treated to kids who are younger
24 than 18.

25 Q So the pediatrician's advice in early

1 Q Sure. Was there anything else you
2 observed or other knowledge you have that made you think
3 L.E. being a boy was not a phase?

4 A He would consistently say things like he
5 wished he were born a boy, he doesn't want to develop
6 breasts, absolutely no desire to have children, he wants a
7 deeper voice. In my -- in -- in my opinion, phases don't
8 last for as long as what these kinds of feelings that he
9 conveyed to me lasted.

10 Q So you mentioned testosterone therapy.
11 Has that been discussed with Dr. Eatajoo?

12 A Yes.

13 Q Okay. And is there a plan for L.E. to
14 begin testosterone therapy?

15 A Yes.

16 Q And what is the plan?

17 A The plan is for him to meet with the
18 endocrinologist again in October, and there is something
19 that Children's has put together. It's called a gender
20 clinic, so where other kids -- actually, I really don't --
21 to be honest with you, I don't know all that it entails,
22 but it's something that where they work through with, I
23 guess, talking about the side effects and things like that
24 of testosterone.

25 And then originally the plan was for him

1 to begin testosterone at 16, but the endocrinologist feels
2 comfortable, given that he wants to begin sooner so that
3 he can continue puberty, that around -- at some point
4 after October, so I think 15 and a half is kind of what
5 I'm hearing, which would put us into December, January.

6 Q Has L.E. expressed any hesitation at
7 receiving testosterone therapy?

8 A Not at all.

9 MS. NOWLIN-SOHL: Object to the form.

10 Q What has L.E. said about receiving
11 testosterone therapy?

12 A He says that he can't wait, he wants to
13 make sure that breast development doesn't occur, he wants
14 a deeper voice, he wants to have body hair, he wants to go
15 into puberty again so he can begin to get taller. So he's
16 overall conveyed that he's excited to begin testosterone
17 treatment.

18 Q If L.E. wanted to play a club sport, golf
19 in a club sport, would you have the financial means to
20 afford that?

21 MS. NOWLIN-SOHL: Object to form.

22 A It depends. I don't know how much that
23 would cost.

24 Q Have you looked into leagues, or club
25 sports, or other avenues for L.E. to play golf outside of

1 the high-school golf team?

2 MS. NOWLIN-SOHL: Object to form.

3 A No, I haven't. I believe my husband
4 might have.

5 Q Looking back to Paragraph 76 of the
6 complaint, the second sentence states, "Since 2020, he,"
7 referring to L.E., "has been using a typically male name
8 and pronouns and grooming and dressing in traditionally
9 male styles." Did I read that correctly?

10 A Yes.

11 Q Okay. Did you provide this information
12 for the complaint?

13 A Yes.

14 Q Okay. So how did it come about that L.E.
15 began to use a male name and pronouns?

16 A When he started kind of talking about how
17 he didn't feel like a girl and that he felt more like he
18 was probably a boy, we actually started calling him
19 instead of because it was a little more neutral and
20 he felt more comfortable with that at the time.

21 Q Was that something that L.E. requested,
22 or was that an idea that you or your husband came up with?

23 A I think it was L.E. I think -- I
24 remember talking to him about it, and he -- he liked
25 because it was similar to his given name but it was more

1 neutral, and so that's what we went with for a time
2 period.

3 Q Okay. And then how did it come that you
4 began to call L.E.?

5 A When he was more sure that he definitely
6 identified as a boy.

7 Q And when was that?

8 A Let's see. We got his name changed in
9 2021, and we were calling him L.E. for a certain amount of
10 time before that, so I'd say late 2019 -- or, sorry, late
11 -- let's see -- late 2020 to early '21.

12 Q Did L.E.'s grooming and dressing -- it
13 states that, since 2020, L.E. has been using -- grooming
14 and dressing in traditionally male styles. Was his -- did
15 L.E.'s grooming and dressing change, or was it consistent
16 with how L.E. had been dressing and grooming?

17 A It was consistent with how he had been
18 grooming and dressing. I think the way this was intended
19 was, since 2020, he had been all of those things, so he
20 had been using the male pronouns, the male name, and
21 grooming and dressing since then with -- especially with
22 the haircut. So the grooming definitely started later
23 than the dressing did.

24 Q What do you mean by grooming?

25 A The way that he had his hair cut, and he

1 didn't shave much before then honestly, but that's when he
2 just completely decided not to shave.

3 Q If I ask you about L.E. transitioning and
4 I use the word transition, what does that mean to you?

5 MS. NOWLIN-SOHL: Object to form.

6 A It's the process by which L.E. identified
7 and started presenting as male instead of female.

8 Q And some of that process is described in
9 Paragraph 26 -- or 76, I'm sorry.

10 A Yes.

11 Q Okay. And is there more to L.E.
12 transitioning that's not included in Paragraph 76 to your
13 understanding of the term?

14 A No, not -- not that I can think of.

15 Q Did you discuss L.E.'s transitioning with
16 anyone at his school?

17 A No, I don't believe so.

18 Q In 2020, L.E. was at Farragut Middle
19 School; is that correct?

20 A Correct.

21 Q Okay. Do you know if L.E.'s teachers
22 recognized his transitioning at the time?

23 A Yes, I believe they did.

24 Q But any of that discussion was done
25 through L.E. and his teachers, then?

1 MS. NOWLIN-SOHL: Object to form.

2 A Some of it was when he asked -- he would
3 ask to be called L.E. instead of especially -- or
4 even before that when he would ask them to call him
5 instead of . So some of those conversations were had
6 between him and his teachers, but then there were also
7 conversations that I had with -- L.E. has an IEP.

8 So there was an IEP team where I know I
9 discussed his gender with his -- I discussed his name
10 preferences and pronoun preferences with them, and that
11 was in the eighth grade, and also I had conversations with
12 his IEP team in the ninth grade too. And I also emailed.
13 I don't know if this falls into your question, but I
14 emailed Dr. Bartlett going into -- so it was towards the
15 end of the eighth-grade school year going into the ninth
16 grade to kind of introduce him to L.E. and let him know
17 that L.E. was going to be coming in the ninth grade.

18 Q To your knowledge, how did L.E.'s
19 classmates respond to the transition?

20 MS. NOWLIN-SOHL: Object to form.

21 A To my knowledge, things were really --
22 really went smoothly. L.E. has always been the kind of
23 kid who has a close-knit group of friends, so I know he
24 had already had conversations with them about his gender,
25 and honestly, and I think it's to his benefit, he can be

1 pretty aloof when it comes to how other kids are talking
2 about him or perceiving him. So if there was anybody
3 saying anything negative about it, it went unnoticed.

4 Q Are L.E. and his sister close?

5 A As close as a set of twins can be.

6 Q Are they friends within school to your
7 knowledge?

8 A No.

9 Q Okay. When did L.E. begin therapy?
10 MS. NOWLIN-SOHL: Object to form.

11 A He began therapy around the same time
12 that we knew we wanted to pursue the puberty suppression,
13 so that was in early 2021.

14 Q Are there any other reasons that L.E.
15 began therapy at the time?

16 MS. NOWLIN-SOHL: Objection.

17 A No.

18 Q And why did L.E. begin therapy when you
19 wanted to pursue puberty suppression?

20 MS. NOWLIN-SOHL: Objection.

21 BY MS. BERGMEYER:

22 Q And when I mean you, I mean you and your
23 husband and L.E. as a team, of course.

24 A We -- when we met with Dr. Blackman
25 earlier in the year in 2020, she had suggested that L.E.

1 start seeing a therapist to talk about his gender
2 identity, somebody who could talk through things, emotions
3 that he was having, and I actually did -- she provided a
4 list of providers, and I tried to -- I tried to call maybe
5 a handful of them, and it's very hard to find therapists
6 who have availability to work with kids right now.

7 And so I asked L.E., I said, "Are you --
8 do you feel like you need to talk to somebody about, you
9 know, what you're feeling and, and what you're thinking?"
10 and L.E. can be a pretty -- he calls himself a chill kid,
11 -- and he said he really felt fine, that he was happy, he
12 felt like he could talk to us, his family, and that he had
13 friends that he could talk to and so that he was okay
14 without seeing a therapist.

15 However, once I learned that -- that
16 puberty suppression was something that he could pursue
17 sooner rather than later, I started calling around again
18 for a therapist, and one of the providers didn't have any
19 availability but knew of Sam and knew that he had some
20 openings, and so that's how he began seeing Sam as his
21 therapist.

22 Q Has L.E. been diagnosed with gender
23 dysphoria?

24 A Yes.

25 Q And which doctor provided that diagnosis?

1 A It was the therapist, Sam, and it could
2 have been -- I'm not sure; I haven't seen it. Dr.
3 Blackman may have made that diagnosis based on our
4 conversation with her earlier on in 2020.

5 Q What is your understanding of L.E.'s
6 gender dysphoria?

7 MS. NOWLIN-SOHL: Object to form.

8 A Are you asking about L.E. in particular
9 or my understanding about gender dysphoria?

10 Q I am asking about L.E. in particular.

11 A Okay. So my understanding is that he was
12 assigned female at birth and has -- you know, started his
13 life being perceived as a girl when in reality he feels
14 like and knows that he is a boy and that that causes a
15 great amount of anxiety unless the child is allowed and
16 given the ability to do things like socially transition
17 and receive medical intervention.

18 Q Prior to L.E. seeing the therapist, did
19 you know L.E. was anxious?

20 A Yes. I knew that he was anxious about
21 entering into a female puberty and developing breasts and
22 starting a menstrual cycle.

23 Q Did L.E. begin puberty suppression before
24 having a menstrual cycle?

25 A Yes.

1 Q What treatment has L.E. received for
2 gender dysphoria?

3 A He --

4 MS. NOWLIN-SOHL: Objection.

5 THE WITNESS: He has received, like --

6 I'm sorry, can you repeat your question?

7 Q Sure. What treatment has L.E. received
8 for gender dysphoria?

9 MS. NOWLIN-SOHL: Same objection.

10 A So most of the treatment is just being
11 allowed to -- given the freedom to live his life as a boy.
12 The -- the other side of the treatment is the puberty
13 suppression that he is on and then ultimately testosterone
14 treatment, although that's not the case for all
15 transgender people that they would pursue hormone
16 treatment, but in his case, that's what he would like to
17 do.

18 Q Is therapy also treatment for gender
19 dysphoria for L.E.?

20 MS. NOWLIN-SOHL: Objection.

21 A I wouldn't know if I would classify it as
22 treatment, but it helps him get through the process and to
23 have an outlet to express his fears and concerns,
24 anxieties that are related to him being transgender.

25 Q Does L.E. take any medication for

1 anxiety?

2 A Yes, he does.

3 Q How did L.E. become interested in golf?

4 A I took him -- at the Fairways and Greens,
5 there was a -- it's sponsored by Food City, the grocery
6 store. They had kind of like a kid event, a golf clinic,
7 and they had, like, hot dogs and hamburgers, and they had
8 some of their instructors out giving free lessons to the
9 kids. And so we went with some neighbors of ours, and I
10 took L.E., and so he got a free golf instruction that day,
11 and he really just really loved it.

12 Q Prior to that time, did you play golf?

13 A No.

14 Q Did your husband?

15 A Recreationally, yes.

16 Q Did your husband have a set of golf clubs
17 at the time?

18 A Yes.

19 Q And so after that free golf instruction,
20 did L.E. continue to play golf?

21 A Yes.

22 Q Okay. Is Fairway and Greens a driving
23 range?

24 A It is, and they also have a par-three
25 course.

1 Q L.E. testified earlier today of feeling
2 uncomfortable playing on the girls' team. Do you remember
3 L.E. saying that?

4 A Yes.

5 Q Okay. Is that something you were aware
6 of at the time?

7 A Yes.

8 Q Okay. And what did L.E. tell you?

9 A Just that he felt odd being the only boy
10 on a team that consisted of all girls and that was called
11 the girls' golf team.

12 Q Did L.E. have any friends on the girls'
13 golf team?

14 A Yes.

15 Q Did L.E. have any friends on the boys'
16 middle-school golf team?

17 A Not to my knowledge. We really weren't
18 familiar -- we actually didn't know if there was a boys'
19 team. The only reason we became aware that there was a
20 girls' team was because the same coach who did First Tee,
21 he said, "Hey, guess what, there's a golf team that I
22 coach," and so that's how he became a member of the golf
23 team.

24 Q Do you think L.E. benefitted from playing
25 on the girls' middle-school golf team?

1 MS. NOWLIN-SOHL: Objection.

2 A I think he benefitted from learning in a
3 team environment. I think he benefitted from having the
4 support of a coach and teammates all working toward a
5 common goal.

6 Q Those are benefits that L.E. could gain
7 from playing on the high-school girls' golf team, is it
8 not?

9
10 MS. NOWLIN-SOHL: Objection.

11 A I think they would be, but I think the
12 harm that it would cause him emotionally to be the only
13 boy on a girls' team -- I think the harm that would come
14 from that would far outweigh the benefits that he would
15 get from playing on a girls' -- on a girls' team.

16 Q Have you had a discussion about that with
17 L.E.?

18 MS. NOWLIN-SOHL: Objection.

19 A Yes.

20 Q When did you discuss with L.E. the
21 benefits or harms to playing on the Farragut High School
22 boys' golf team or girls' golf team?

23 MS. NOWLIN-SOHL: Objection.

24 A It was during the -- probably the middle
25 to the end of the season that he played when he was

1 playing on the eighth-grade girls' team. He was very
2 adamant that he wanted to try out for the boys' team in
3 high school, and at that time he still would have been
4 allowed to since the law had not been passed, so that was
5 his plan for moving forward into high school.

6 Q When was the middle-school golf team?
7 What season did they play?

8 A I believe they were a fall sport with
9 tryouts in the summer, so, yeah.

10 Q Did you research when the Farragut High
11 School boys' golf team tryouts were for L.E.'s freshman
12 year?

13 A We did not because at that time the law
14 had already passed that prohibited him from playing on the
15 boys' golf team. I believe they were held around the same
16 time as the girls, but I couldn't be certain.

17 Q Do you know when the law -- when you say
18 the law, what law are you referring to?

19 A SB228 I believe is the number of it, the
20 one that requires students in middle school and in high
21 school to play on the team that corresponds with the sex
22 on their birth certificate.

23 Q Do you recall when that was passed,
24 Senate Bill 228?

25 A I believe it was in March of 2021.

1 Q If you want to, because I'm certainly not
2 trying to trick you, the complaint, Page 22, and I believe
3 the allegation is in Paragraph 69 at the top of the page.
4 Does this paragraph in the complaint state that Senate
5 Bill 228 was signed into law by Governor Bill Lee on March
6 26th?

7 A Yes.

8 Q And that's March 26th of 2021?

9 A Correct.

10 Q Okay. You obtained these attorneys that
11 represent you and L.E. for the lawsuit we're all sitting
12 here for also in March of 2021; is that correct?

13 A I believe so, yes.

14 Q Okay. And so how did you -- or when did
15 you decide to discuss Senate Bill 228 with an attorney?

16 A I believe it was during the same time
17 that the bill -- I think it was before the bill was signed
18 by the governor. There was outreach made by ACLU to talk
19 to families who would be impacted by the law should it --
20 should it be signed into law.

21 Q And why did you decide to bring this
22 lawsuit?

23 A Because I saw how much it hurt my kid not
24 being able to play on a golf team that he had prepared
25 for, wanted to play for, was excited to play on. I felt

1 he was being discriminated against, and I knew that we
2 couldn't be the only ones in this situation, and so
3 together our whole family decided that we wanted to work
4 to try to make things different.

5 Q L.E. has not tried out for the Farragut
6 High School golf team whether it is the boys' team or the
7 girls' team; is that correct?

8 A Yes, that's correct.

9 Q Have you ever spoken to the Farragut High
10 School golf coach about L.E.?

11 A No, not directly.

12 Q What do you mean not directly? Who did
13 you speak to L.E. about playing high-school golf?

14 MS. NOWLIN-SOHL: Object to form.

15 A I talked to -- I had emailed the
16 principal introducing L.E. and letting him know that L.E.
17 wanted to try out for the boys' golf team. That was
18 before the law had passed.

19 Q After this lawsuit was filed in November
20 of 2021, an attorney from Knox County raised the idea of
21 L.E. trying out for the golf team. Were you made aware of
22 that offer?

23 A Yes, I was.

24 Q Okay. And the offer was denied; is that
25 correct?

1 A Yes, we denied the offer.

2 Q Okay. Why?

3 A Because he wouldn't be able to play on
4 the team. The tryouts were -- would be pretty much
5 meaningless.

6 Q I would like for you to find the
7 Plaintiff's Responses to Defendant Knox County Board of
8 Education's First Set of Interrogatories. Have you seen
9 the Plaintiff's Responses to Knox County Board of
10 Education's Interrogatories before?

11 A Yes, I have.

12 Q Okay. If you'll turn to Page 5, please,
13 and look at Interrogatory Number 2. Interrogatory Number
14 2 states, "Identify your 2021 handicap index and the
15 course handicap as well as your current handicap index and
16 course handicap." Did I read that correctly?

17 A Yes.

18 Q Okay. Do you know what a handicap index
19 is?

20 A I have a vague understanding of it.

21 Q Okay. What's your understanding?

22 A That's it's a way to rank your
23 performance in the game of golf.

24 Q And do you know what a course handicap
25 is?

1 A I don't.

2 Q The response, which is in the last two
3 sentences after objections from counsel, is that,
4 "Plaintiff has not calculated and does not have a handicap
5 index or a course handicap for 2021 or 2022." Is that
6 information that you provided?

7 A That's information that my husband
8 provided.

9 Q Okay. Looking down to Number 3, the
10 interrogatory requests, "Identify the date and location of
11 the last ten rounds of golf that you," for L.E., "have
12 played and your score for each round." Did I read that
13 correctly?

14 A Yes.

15 Q Okay. Looking down once again after
16 objections from counsel, and there are one, two, three,
17 four, five dates provided. Did you provide the
18 information for this interrogatory?

19 A No, my husband did.

20 Q Okay. Do you have any reason to disagree
21 with your husband's responses to Interrogatory Number 2
22 and 3?

23 A I have no reason to -- to believe that
24 they that they would be incorrect.

25 Q Okay. Do you know why L.E. played golf

1 only one time in 2022?

2 MS. NOWLIN-SOHL: Object to form.

3 A He played golf more, but with the
4 question being rounds of golf and being defined as 18
5 holes of golf, I mean, I think you can see even in 2021
6 that there weren't a whole lot of those, and also some of
7 the ones in 2021 happened later on in the fall, so there's
8 November and September, and we haven't made it that far
9 into 2022 yet.

10 Q Does L.E. play golf that does not involve
11 playing 18 holes of golf?

12 A Yes.

13 Q Okay. And what kinds of golf courses
14 does L.E. play then?

15 A So L.E.'s definition of playing golf is
16 getting out with his clubs and hitting balls. That could
17 be at the Fairways and Greens, on the driving range. It
18 could be at fun things like Top Golf, that sort of thing.
19 There is a par-three course at Fairways and Greens that he
20 plays on. At Concord Park, there is another golf course
21 that's free that him and his dad like to go to.

22 Q Is the Concord golf course a par-three?

23 A I believe it is.

24 Q And I believe L.E. mentioned one other
25 golf course this morning, maybe Dark House? Does that

1 sound familiar?

2 A It does. I've never taken him there, so
3 -- his dad might have.

4 Q Do you ever go with L.E. and his father
5 when they golf?

6 A No, I don't.

7 Q Do you have any reason to disagree with
8 the information provided in Interrogatory Number 3, the
9 plaintiff did not track or record L.E.'s score when he
10 played golf?

11 A That is my understanding that they don't
12 take score.

13 Q For Interrogatories Number 5 and 6 which
14 reference L.E. playing golf, would Mr. Esquivel be the
15 correct person to discuss those interrogatories with?

16 MS. NOWLIN-SOHL: Object to form.

17 A Yes, he would be.

18 Q Would you have provided any of the
19 information in the response to Interrogatory Number 5 or
20 6?

21 A No.

22 Q And do you have any information or any
23 reason to disagree with the information provided by either
24 L.E. or your husband for these interrogatories?

25 A No, I have no reason to disagree.

1 parent or your husband became aware of that diagnosis, and
2 the date provided is January 28th of 2021. Is that a
3 diagnosis from the therapist?

4 A Yes.

5 Q Okay. And is that date accurate to the
6 best of your knowledge?

7 A It is.

8 Q Okay. Did you provide this answer?

9 A I did.

10 Q Okay. Did you look at the medical
11 records when you provided it?

12 A I believe so. I think I went to -- yeah,
13 I think I looked at medical records.

14 Q Okay. Interrogatory Number 2 asks the
15 date when L.E. began to social transition, and the
16 response provided is September -- in or around September
17 of 2020. Did you also provide this information and
18 response?

19 A Yes.

20 Q Okay. And how did you determine that
21 date?

22 A I think I determined that date by the
23 date at which he had really told his friends, told his
24 family that he didn't want to go by anymore, that he
25 wanted to go by L.E., and just kind of remembering the

1 timeline of when that happened. I know it was during the
2 fall semester of 2020, and it was relatively early on.

3 Q Okay. Interrogatory Number 3 asks for
4 the date when L.E. began pubertal suppression medication,
5 and the response is on or about April 23rd of 2021. Did
6 you also look at medical records to verify this date when
7 you provided it?

8 A I actually went to my calendar, and I
9 knew that's when the appointment was for that.

10 Q Okay. You mentioned earlier that when
11 you had first gone to the pediatrician that the
12 pediatrician wasn't aware of -- or at the time did not
13 provide treatment you were seeking for L.E.; do you recall
14 that testimony?

15 A Yes.

16 MS. NOWLIN-SOHL: Object to form.

17 Q Okay. And then you stated, I believe,
18 that you did some research, spoke again with the
19 pediatrician, who was happy to provide the treatment at a
20 later date or after discussing it with you again. What
21 research did you do --

22 MS. NOWLIN-SOHL: Object to form.

23 BY MS. BERGMEYER:

24 Q -- before talking to the pediatrician the
25 second time?

1 it was published, so, yeah, that makes sense.

2 Q Okay. The next one is dated April 26th,
3 and is this a Facebook post that you made?

4 A Yes.

5 Q Okay. And did you share a Golf Digest
6 article about L.E.?

7 A Yes.

8 Q Okay. For the Golf Digest article, did
9 you meet with the author?

10 A Yes.

11 Q Okay. Who provided information to the
12 author of the Golf Digest article?

13 MS. NOWLIN-SOHL: Object to form.

14 A I know that L.E. did, my husband did, I
15 did, Sasha did, and that's all that I'm aware of.

16 Q Okay. The article references that L.E.
17 was devastated, the right to be a part of a team was
18 stripped, made worse by watching his friends go out and
19 join the team.

20 MS. NOWLIN-SOHL: Counsel, do you have a
21 copy of that article that she can look at?

22 MS. BERGMEYER: So the printing wasn't
23 accurate. It's missing a chunk, I think because
24 of how it was printed, but I think this part is.

25 THE WITNESS: Thank you.

1 Q The paragraph I was reading from begins
2 with six months after the bill's passage. If you'll
3 actually look at the paragraph before that and go ahead
4 and take your time to read that too.

5 A (Witness reviews document.)

6 Q Okay. So in this article it states that,
7 at the time the law was passed, the quote from L.E. says
8 -- I'm going to read after it says L.E. says. "They acted
9 like they were cleaning up a problem, but they were really
10 just creating a new mess. I was just like whatever." Did
11 I read that correctly?

12 A Yes.

13 Q Okay. Does this accurately reflect how
14 L.E. felt at the time the law was passed?

15 MS. NOWLIN-SOHL: Object to form.

16 A Yes.

17 Q Okay. And so would it be fair to say
18 that, when the law first passed, L.E. was not -- what do
19 you take it to mean when they reference that L.E. said, "I
20 was just like whatever."

21 MS. NOWLIN-SOHL: Object to form.

22 BY MS. BERGMEYER:

23 Q How would you characterize how L.E. felt
24 at the time?

25 MS. NOWLIN-SOHL: Object to form.

1 A He was frustrated and felt defeated like
2 there was nothing he can do. So to me, him saying, "I was
3 just like whatever," that he was angry and that he felt
4 helpless at that moment because there was nothing he could
5 do.

6 Q Okay. So it goes on to say, "Six months
7 after the bill's passage, a different reality and
8 disposition set in. All L.E. wants to do is play golf and
9 to be part of a team. The happy-go-lucky kid was
10 devastated that right was stripped, made worse by watching
11 his friends go out and join the team." What friends did
12 L.E. watch go out and join the team?

13 MS. NOWLIN-SOHL: Object to form.

14 A If I remember the conversation, I think
15 it was -- his best friend Lily plays on the girls' golf
16 team, and so getting her -- getting to see her be excited
17 and looking forward to playing on a high-school team where
18 he felt left out, like, he didn't have that option.

19 MS. BERGMAYER: Does your copy of the
20 article have ten pages?

21 MS. NOWLIN-SOHL: Yes.

22 Q If you'll look at the very bottom on what
23 is referenced as Page 8 of 10.

24 MS. NOWLIN-SOHL: There's highlighting on
25 this. Are you okay with it? I haven't looked at

1 it yet.

2 MS. BERGMEYER: I haven't either. It's
3 my highlighting. I gave you the wrong copy maybe.

4 MS. NOWLIN-SOHL: Would you like to
5 switch, or is it too late?

6 MS. BERGMEYER: No, that's okay.

7 MS. NOWLIN-SOHL: Okay.

8 MS. BERGMEYER: Let me just -- thank you.

9 BY MS. BERGMEYER:

10 Q Let's go to the top of Page 8. It
11 mentions that, "Shortly after the lawsuit was filed,
12 anti-LGBTQ protestors stood outside the corner from L.E.'s
13 school holding signs that read LGBTQ is a sin." Did I
14 read that correctly?

15 A Yes.

16 Q Okay. Had you experienced protestors
17 outside L.E.'s school before?

18 A I believe a couple of times I've seen
19 them, yeah.

20 Q Okay. And when I say protestors, I mean
21 anti-LGBTQ protestors.

22 A I don't recall ever seeing protestors
23 that were anti-LGBTQ before.

24 Q Outside of L.E.'s school?

25 A Yeah, I --

1 Q The paragraph above, about midway through
2 that paragraph, it mentions he signed up and played for
3 his middle-school golf team. Do you see that sentence?

4 A Yes.

5 Q Okay. The next sentence says, "He's down
6 to a 12 handicapped."

7 A Uh-huh.

8 Q Handicap. Where did the information that
9 L.E. was down to a 12 handicap -- who provided that
10 information?

11 A Yeah, that is the exact line that I
12 wanted to point out. I have no idea where he got that
13 from. My best guess was that when they -- they played on
14 the course that was there that he guesstimated what his
15 handicap was based on how he did. That is not a number
16 that any of us provided to the reporter.

17 Q Okay.

18 MS. BERGMEYER: What I'll do is make this
19 article a late-filed Exhibit Number 3, and I will
20 find a way to print it where that paragraph is not
21 left out.

22 MS. NOWLIN-SOHL: Are we done with that
23 article?

24 MS. BERGMEYER: Yes.

25 MS. NOWLIN-SOHL: Stephanie, is that

1 going to be a part of the whole social media
2 exhibit, or will it be a separate one?

3 MS. BERGMEYER: Good question. Let's go
4 ahead and make -- let's make that a separate one.
5 So let's make the social media posts beginning
6 with November 4th of 2021 through April 26th,
7 which this post does share Golf Digest, let's make
8 this a collective Exhibit 3.

9 (Collective EXHIBIT 3, marked.)

10 MS. BERGMEYER: And then the Golf Digest
11 article will be a late-filed Exhibit 4. Thank you
12 for following up with that.

13 (EXHIBIT 4, late-filed.)

14 BY MS. BERGMEYER:

15 Q Do you know what bathroom L.E. uses at
16 Farragut High School?

17 MS. NOWLIN-SOHL: Object to form.

18 A He uses the boys' bathroom.

19 Q Do you know what locker room L.E. uses at
20 Farragut High School?

21 MS. NOWLIN-SOHL: Objection.

22 A I'm not sure he's had to use a locker
23 room, so I -- I'm not sure.

24 Q In the complaint, Page 24, Paragraph 87
25 -- Paragraph 88 -- no, no, I'm sorry, 87, I was right.

1 Paragraph 87 states that, "L.E. has a reasonable fear that
2 Senate Bill 228 will encourage bullying and harassment
3 against transgender students like himself." Has L.E.
4 experienced --

5 MS. NOWLIN-SOHL: Do you mind finishing
6 the sentence, Counsel?

7 MS. BERGMEYER: Sure.

8 BY MS. BERGMEYER:

9 Q I'm going to just read the whole thing.
10 Paragraph 87 states that, "L.E. also has a reasonable fear
11 that Senate Bill 228 will encourage bullying and
12 harassment against transgender students like himself since
13 it sends a message that it is acceptable to treat
14 transgender students differently because they are
15 transgender."

16 And I'm reading that slowly for the court
17 reporter just because I know that was odd. Has L.E.
18 experienced any bullying and harassment after the passage
19 of Senate Bill 228?

20 MS. NOWLIN-SOHL: Objection.

21 A Yes.

22 Q Okay. What has L.E. experienced?

23 A There's a boy on his school bus who would
24 kind of -- they get off and on at the same -- at the same
25 stop. So he would block him from getting off for a little

1 bit saying things like, "Okay, boy. Okay, boy," like,
2 just making it clear that he was targeting him for being
3 transgender.

4 Q Did this happen before the passage of
5 Senate Bill 228?

6 A No, it did not.

7 Q Any other bullying or harassment that
8 L.E. has experienced?

9 MS. NOWLIN-SOHL: Objection.

10 BY MS. BERGMEYER:

11 Q I'll say while at Farragut High School.

12 MS. NOWLIN-SOHL: Same objection.

13 A Not that I am aware of.

14 Q Are you aware of any bullying and
15 harassment L.E. experienced while at Farragut Middle
16 School?

17 A I do vaguely recall him telling me about
18 a kid in one of his classes, but, honestly, I think this
19 kid was mean to a lot of kids, so I don't think he was
20 targeting L.E. specifically. I think he was just a bully
21 in general.

22 Q And what did L.E. tell you that the kid
23 did?

24 A I don't recall.

25 Q Is it the same child from the school bus?

1 A No.

2 Q Did L.E. tell you that whatever the kid
3 did was because L.E. was a boy?

4 A No.

5 Q Paragraph 88, I'll just ask you to read
6 that to yourself, please.

7 A (Witness complies with request.)

8 Q Paragraph 88 would not be applicable to
9 L.E. because he was known to be transgender by peers.

10 MS. NOWLIN-SOHL: Objection.

11 BY MS. BERGMEYER:

12 Q Is that correct?

13 MS. NOWLIN-SOHL: Same objection.

14 A (Witness reviews document.) Yeah, that
15 -- that would be correct. He -- yes, that's correct.

16 Q Have you understood the questions I asked
17 today?

18 A Yes, I have.

19 MS. BERGMEYER: Okay. No further
20 questions. Thank you.

21 EXAMINATION

22 BY MS. JOHNSON:

23 Q I have just a few questions; I promise
24 not very many. First I'm going to hand you a document --

25 MS. JOHNSON: And I guess we'll just play

1 FURTHER THE DEPONENT SAITH NOT.

2 SHELLEY ESQUIVEL

3
4
5
6 Sworn to before me when
7 taken August 1, 2022.

8
9
10 /s/ Donna D. Touseull

11 Donna D. Touseull

12 Licensed Court Reporter

13 LCR No. 342 / License Expires: 06-30-2024
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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF KNOX)

I, DONNA D. TOUSEULL, Licensed Court Reporter in and the State of Tennessee, do hereby certify that I reported in machine shorthand the foregoing testimony held on the 1st day of August 2022 and that the foregoing 82 pages were transcribed by me and constitute a true record of the proceedings to the best of my knowledge and ability.

I further certify that I am not an attorney or counsel for any of the parties, nor an employee or relative of anyone connected with the action, nor financially interested in the action.

I further certify that I am duly licensed by the Tennessee Board of Court Reporting as a Licensed Court Reporter as evidenced by the LCR number and expiration date following my name below.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 20th day of August 2022.

/s/ Donna D. Touseull

DONNA D. TOUSEULL
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